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North-western Temperance Alliance  
Draft of a proposed equitable liquor law  
Owen Sound, 1862.







# DRAFT

OF A<sup>d</sup> PROPOSED

## Equitable Liquor Law,

AS PUBLISHED BY THE

### NORTH-WESTERN

### TEMPERANCE ALLIANCE.



OWEN SOUND:

PRINTED AT THE "COMET" OFFICE.

1862.







# DRAFT OF A PROPOSED EQUITABLE LIQUOR LAW,

AS PUBLISHED BY THE  
NORTH-WESTERN TEMPERANCE ALLIANCE.

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OWEN SOUND, CO. OF GREY, }  
May, 1862.

*To make better provision for the suppression of Intemperance, by relieving all persons who do not Make, Buy, Sell, nor Use, and who are conscientiously opposed to the Manufacture, Sale, and Use of Alcoholic Liquors as a Beverage, from being compelled to pay for the Administration of Criminal Justice, caused by Intemperance, directly or indirectly ;— and to make provision for the maintainance of all Paupers, (made such by Intemperance,) by those persons who make, buy, sell, and who are in favor of the Manufacture and Sale of Alcoholic Beverages.*

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WHEREAS, it is highly necessary and expedient to make full and proper provision to secure and confirm to the inhabitants of the Western part of the Province of Canada, commonly called Upper Canada, those inestimable rights and privileges, which are so dear to all Her Majesty's Loyal Subjects in the said Province, and whereas there are very many British Subjects in Upper Canada who believe Intemperance a great evil and a sin against Almighty God, and who are conscientiously opposed to being compelled to pay taxation for the Administration of Criminal Justice, caused by Intemperance,



and the use of Alcoholic Beverages; and who believe a large proportion of the crime committed in the aforesaid Province is traceable to the aforesaid cause; and also, that inasmuch as all Law should be founded on Justice, it is desirable that there should be full and proper provision made for the maintainance of all Paupers (made such by the use of Alcoholic Liquors directly or indirectly,) by that portion of the inhabitants of the aforesaid Province, who make, buy, sell, and who shew themselves in favor of the manufacture, sale and use of the said beverages, by voting for the continuance, manufacture, and sale of the aforesaid Alcoholic Liquors as a beverage, at such times place and in such manner as may be hereinafter provided for.

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the consent and advice of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of, and under the authority of "An Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and entitled 'An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,'" and it is hereby enacted by the authority of the same, as follows:

SECTION 1st. That it shall be the duty of all Returning Officers, and Deputy Returning Officers, in that part of the Province commonly called Upper Canada, at all Municipal Elections: 1st. to ask all persons voting at the Municipal Election, "Shall the Municipal Council chosen at this Election, grant License to manufacture and sell as a beverage, Spirituous or Malt Liquors in this Municipality?" and 2nd. to record their votes in columns in the poll book then in use, which columns shall be prepared and kept for the aforesaid purpose: and 3rd. that it shall be the further duty of each and every Returning Officer or Deputy Returning Officer at the close of the Poll, to enter the names of all persons who are legally entitled to vote at the aforesaid Municipal Election, and who have not so voted, as being against, and voting against the aforesaid License being granted: and be it further enacted, that in case there shall be found a majority opposed to the aforesaid License being granted, it shall be illegal for the Municipal Council, or any person or persons whatsoever, to grant License to Manufacture Spirituous or Malt Liquors in the aforesaid Municipality, or to sell or buy the aforesaid Spirituous or Malt Liquors to be used



in the aforesaid Municipality as a Beverage ; and any person or persons so offending shall be guilty of a misdemeanor, and shall be punished as hereinafter provided for.

SECTION 2nd. And be it further enacted that the aforesaid Spirituous or Malt Liquors may be sold by all persons known as Druggists and by all Physicians who are legally practicing Medicine in the aforesaid Municipality, to be used as a medicine ; mechanically ; or for the purpose of Religious Sacrament ; provided always that persons purchasing the aforesaid Spirituous or Malt Liquors, shall record in a book kept for the purpose by the person selling the said Spirituous or Malt Liquors, a declaration with their signatures attached, that they require the said Liquors for one or other of the aforesaid purposes ; and any person or persons who shall be proved guilty of using any of the said Liquor obtained in the aforesaid manner for any other purpose than that set forth in the aforesaid declaration, shall be guilty of a misdemeanor, and shall be punished as hereinafter provided for.

SECTION 3rd. And be it enacted that in all cases where it is found, in the manner as set forth in section 1st of this act, that a majority of the ratepayers are in favor of the aforesaid License being granted, by the aforesaid Municipal Council, it shall be the duty of all Her Majesty's Justices of the Peace residing in said Municipality to ascertain and determine as nearly as possible the character and habits of all persons brought before them charged with any offence whatsoever, and in all cases where the said Justices of the Peace are satisfied that the said persons charged with crime have been addicted to the use of said Spirituous or Malt Liquors, it shall be the duty of the said Justices of the Peace to record in a book kept by them for that purpose, their convictions as to the cause of the offences, and it shall be the further duty of the said Justices of the Peace to file with the Clerk of the Peace of such County as they are resident in, a report every three months, in which report the said Justices of the Peace shall state the number of persons brought before them charged with crime, also the number of such persons who have been addicted to the use of the said Spirituous or Malt Liquors, and the amount of costs which are now charged to the county in which the said criminals reside, and in case any of the said Justices of the Peace shall neglect or refuse to comply with



the provisions of this section, they shall be guilty of a misdemeanor and shall be punished as hereinafter provided for.

SECTION 4. Be it enacted that it shall be the duty of the Clerk of the Peace in all Counties where the said Spirituous or Malt Liquors are sold, to receive and safely keep all reports of Her Majesty's Justices of the Peace referred to in section 3rd of this act, to be handed by them to the Grand Jury assembled at each Quarter Session, held in the aforesaid county. It shall also be the duty of said Clerks of the Peace to make out a report, stating total costs of administration of Criminal Justice, at the close of every Quarter Session; also the said costs incurred for trial and punishment of such criminals as have been reported to have been addicted to the use of said Liquors, also the municipality in which each criminal has resided; such report to be handed to the next Grand Jury assembled. And be it enacted that it shall be the duty of said Grand Jury to examine the said reports and thereby ascertain the amount of expense incurred in each municipality of the said county for the administration of Criminal Justice, and also the amount caused by the use of Spirituous or Malt Liquors; it shall be the further duty of said Grand Jury to notify each Municipal Council of the total amount of costs of administering criminal justice to persons residing in their municipality when the crime was committed, also the amount incurred in the said manner for persons who had been in the habit of using said Liquors. The aforesaid reports shall be returned to the Clerk of the Peace of said county, and filed by him in his office; And it shall be the duty of the aforesaid municipal council to *levy a special tax*, to be collected by such person, and in such manner, as all other taxes are collected, on *such, and only such* ratepayers as have voted at the last preceding municipal election, for the manufacture and sale of the said Spirituous or Malt Liquors as a beverage, for that part of the expense of administering criminal justice which is found to be caused by the use of said Spirituous or Malt Liquors, and any person or persons refusing or neglecting to comply with the provision of this section, shall be punished as hereinafter provided for.

SECTION 5th. And be it enacted further that the *widows*, and all *children* under *ten* years of age, of any person who has been a resident for four years previous to death of any municipality in which the said Spirituous or malt Liquors are sold as a beverage, and who has been



in the habit of using said Liquors to excess, shall be supported by the aforesaid persons who manufacture, sell, and show themselves in favor of the manufacture and sale of said Spirituous and Malt Liquors as a beverage, in the manner as set forth in section 1st of this act. And be it further enacted, that it shall be the duty of the assessor of said municipality to ascertain and report to the aforesaid Municipal Council the number of widows and children entitled to said support in said municipality; And it shall be the duty of said Municipal Council to levy a special *tax* on such persons and only such persons as have in the afore mentioned manner shown themselves in favor of the manufacture, sale and use as a beverage, of the said Spirituous and Malt Liquors. This rate to be collected in the same manner that all other taxes are collected. The amount of money to be paid to each of said widows by said Municipal Council shall be forty dollars per year of lawful money of Canada, and ten dollars per year for each child under ten years of age, the same to be paid half yearly; provided always that no widow shall be entitled to said support who owns real estate to the value of one hundred pounds of lawful money of Canada; and personal estate to the amount of twenty-five pounds, of said currency, the assessor of said municipality to determine the value in case of a dispute; any person or persons who shall neglect or refuse to comply with the provisions of this act shall be guilty of a misdemeanor, and shall be punished as hereinafter provided for.

SECTION 6th. And be it further enacted that all sections or clauses of acts heretofore passed which are in opposition to this act, or any section or clause of this act, shall become null and void, and are hereby repealed. And be it enacted that any of Her Majesty's Justices of the Peace, or any County Officer or Officers, or any Grand Jury, or any Municipal Officers, or any person or persons whatsoever, who shall be found guilty of neglecting or refusing to comply with the provisions of this act, or any clause or section of said act, shall be fined or imprisoned. And in case of fine, the fine shall not be more than one hundred dollars nor less than forty dollars, and in case of imprisonment, the term of said imprisonment shall not exceed one year, nor be less than three months.











